

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
APPELATE CIVIL JURISDICTION**

**WRIT PETITION NO.4999 OF 2004**

Sanjay K. Rawal ..Petitioner

Vs.

Western Maharashtra Development  
Corporation Ltd. and others ..Respondents

-----

Mr.S.M.Oak with Mr. Ambar Joshi for Petitioner

Mr.R.D. Rane, A.G.P. for Respondents

**CORAM: F.I. REBELLO &  
S.P. KUKDAY, JJ.  
DATE: 31ST JANUARY, 2005.**

**P.C.**

. Rule. Heard forthwith.

2. The petitioner herein has filed a complaint of unfair labour practice under the provisions of M.R.T.U. & P.U.L.P.Act. The Respondent no. 1 herein raised a preliminary objection that the Court would have no jurisdiction as the complainant was not their workman. The Industrial Court by its order on 30th December, 2003 upheld the said contention. It is in the light of that the petitioner has filed the present petition challenging the said order. Apart from that the petitioner has further sought a relief that the respondent no.2 be directed to treat the complaint (ULP)No.260 of 1992 as a dispute and refer the same

to the Industrial Tribunal.

3. On behalf of respondent no.1 the learned Counsel contends that the respondent no.1 is a body set-up to promote the industrial growth. They have a scheme known as a Devdasi Project under which the respondent no.1 has taken up a Project for Rehabilitation of Devdasis, which had a social and rural angle. Devdasis and rural women below poverty line are given vocational training in various trades so that they could stand on their own feet to set up their own venture. The basic objective of the programme of the respondent no.1 is that it will remain with these groups until such time they are ready to venture by itself and subsequently respondent no.1 will withdraw itself to extend support to another group. It is therefore, submitted that there is no industrial dispute. There is no question therefore of this Court directing the reference of the purported dispute to the Industrial Tribunal.

4. On behalf of respondent no.1 their learned Counsel further states that the employees concerned have formed a co-operative society and are carrying on the work to the said co-operative society and Respondent no.1 till date not withdrawn the support to the co-operative society.

5. Having heard learned Counsel and the controversy involved we are of the view that the petition can be disposed of by issuing the following directions:-

(i). The Petitioner along with other employees or the union if any to address representation to the concerned Conciliation Officer in the matter of the Industrial Dispute. The Conciliation Officer on receipt of the complaint within 60 days thereafter and on hearing the petitioner and respondent no.1 to initiate conciliation proceedings and, if there be no settlement, to submit failure report to the Respondent no.2.

(ii). On Respondent no.2 receiving the failure report, Respondent no.2 to take appropriate action according to law in terms of the provisions of the industrial disputes Act, at any rate not later than two months from receipt of the failure report.

. Rule made absolute accordingly. No order as to costs.

(F.I.REBELLO,J.)

(S.P. KUKDAY, J.)